

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDRE BOYER and PENNSYLVANIA  
S.I.T.E.S. AGENTS, LLC,

Plaintiffs,

V.

Civil Action No. 5:23-CV-02885-JLS

CITY OF PHILADELPHIA, et al.,

JURY TRIAL OF 12 DEMANDED

Defendants.

**MOTION FOR LEAVE TO AMEND PLEADING**

NOW COMES Plaintiffs, by their undersigned counsel, who respectfully files this Motion and offers the following:

1. Original service of process has been effected on all Defendants, but the time for them to respond to the Amended Complaint has not yet lapsed.
2. Plaintiffs desire to file a Second Amended Complaint, which will eliminate current Count 2 and eliminate as parties from this action, Pennsylvania Attorney General Michelle A. Henry and State Police Commissioner Christopher L. Paris. We contacted counsel for those parties, and learned that they do not oppose being eliminated from the case.
3. Plaintiffs desire to file a Second Amended Complaint, generally, to clarify as-applied constitutional challenges and raise Equal Protection Clause challenges under the Fourteenth Amendment of the U.S. Constitution, relating to the Uniform Firearms Act and the Private Detective Act.
4. At this early stage in the case, Defendants will not suffer any prejudice if Plaintiffs are permitted to so amend their pleading.
5. Courts should grant leave to amend the pleadings “when justice so requires.” Fed. R. Civ.

P. 15(a). The movant need not “supply a compelling reason for the delay even if there is no prejudice,” because, “[s]uch a rule, if adopted, would certainly run counter to the well-established rule that amendments should be liberally allowed.” Long v. Wilson, 393 F.3d 390, 401 (3d Cir. 2004) (statute of limitations defense can be raised by amendment even after an answer was filed). The touchstone under Rule 15(a) is whether a non-movant can articulate undue or substantial prejudice or whether an amendment would be futile. Id. at 400 (quotations omitted).

6. The Second Amended Complaint is substantially as shown in Exhibit 1 but excluding exhibits therein.

**WHEREFORE**, Plaintiffs respectfully request that the Court grant this motion for leave to amend the pleadings under Fed. R. Civ. P. 15(a), by permitting Plaintiffs to file a Second Amended Complaint substantially as shown in Exhibit 1 within seven days.

Respectfully submitted,

**CORNERSTONE LAW FIRM, LLC**

Dated: September 20, 2023

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